

December 16, 2011

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
December 16, 2011

I. OPENING OF MEETING AT 11:10 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Ares G. Dalianis, Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; Roneta Taylor (by telephone), Mark Magill (by telephone), and Bill Lipsmire (by telephone), Illinois Department of Central Management Services; Susan Gold, Illinois Department of Financial and Professional Regulation; Lisa Crites, Illinois Department of Lottery; Robin Tisdale (by telephone), Illinois Historical Preservation Agency; Miguel Calderon (by telephone), Illinois Emergency Management Agency; Michelle Woods (by telephone), Illinois Department of Labor; Jessica Nunes (by telephone) and Lisa Prose (by telephone), Administrative and Regulatory Shared Services Center; and Lamont Wallace.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON NOVEMBER 18, 2011

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 18, 2011.



IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Illinois Dept. of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	145.....	10
Agriculture	365.....	16
Arts Council	19.....	2
Capitol Development Board	46.....	0
Central Management Services	1,641.....	114
Children and Family Services.....	2,919.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity	403.....	67
Commerce Commission	79.....	0
Corrections	11,778.....	105
Criminal Justice Authority.....	64.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency.....	92.....	7
Employment Security	1,853.....	25
Environmental Protection Agency.....	898.....	16
Financial & Professional Regulation	470.....	42
Gaming Board	117.....	5
Guardianship and Advocacy	104.....	7
Healthcare and Family Services	2,239.....	27
Historic Preservation Agency.....	193.....	11
Human Rights Commission.....	14.....	2
Human Rights Department	148.....	8
Human Services.....	13,315.....	76
Illinois Power Agency	1.....	2
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission	2.....	1
Insurance	256.....	13
Investment Board	2.....	1
Juvenile Justice.....	1,261.....	20
Labor	90.....	8
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd.	17.....	2
Lottery	160.....	7
Medical District Commission.....	2.....	0
Military Affairs.....	122.....	3
Natural Resources.....	1,312.....	29
Pollution Control Board	21.....	1
Prisoner Review Board.....	19.....	0
Property Tax Appeal Board.....	24.....	1
Public Health.....	1,102.....	41
Racing Board.....	2.....	0
Revenue.....	1,823.....	55
State Fire Marshal	144.....	12
State Police.....	1,246.....	5
State Police Merit Board	5.....	1
State Retirement Systems	91.....	2
Transportation	2,411.....	0
Veterans' Affairs	1,299.....	8
Workers' Compensation Commission.....	173.....	8
TOTALS.....	48,537.....	823



B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported:

- As to Item C1, this request is for a Senior Policy Advisor in the Illinois Emergency Management Agency, a position that reports to the Director. This position was first granted an exemption back in 2008, but it was for a limited term due to uncertainty surrounding whether it would be placed in a collective bargaining unit. For that reason, it was granted a limited term exemption of 12 months. Twice previous to this, the limited term was extended to allow for resolution of this issue. The Commission has consistently indicated that the placement of a position in a collective bargaining unit is inconsistent with a principal policy exemption. The agency comes before the Commission now for another 12 month extension, having indicated that the position was included in a bargaining unit but that decision remains on appeal. For that reason, Staff recommended approval of this request. Miguel Calderon noted that this matter was presently on appeal to the Fourth District Appellate Court. In response to a question from Chairman Kolker, Miguel Calderon indicated that he believed that the issues on appeal had been briefed but oral arguments had yet to be scheduled. Chairman Kolker noted that the Commission is not fond of continuing the principal policy exemption for positions that have been placed in collective bargaining units. He then directed Commission Staff to prepare a report on the current status of 4d(3) exempt positions that are also in collective bargaining units.
- As to Item C2, the request was withdrawn.
- As to Item D, this request is for the Appraisal Coordinator for the Department of Professional Regulation, a position that reports to the Director. This position was first approved for exemption back in May of this year, but for a limited term until the end of this year since its programmatic enabling legislation was set to expire on December 31. In the interim, subsequent legislation was passed which changed the expiration date to December 21, 2022. For this reason, Staff recommended approval of this request.
- As to Item E, this request is for the Division Manager of Historic Sites at the Illinois Historic Preservation Agency, a position that reports to the Deputy Director who reports to the Director. The requested position is responsible for the planning, development, organization, and direction of all historic sites under the purview of the agency. Given the all-encompassing responsibilities over historic sites throughout the State, Staff recommended approval of this request.
- As to Item F, this request is for the Executive Assistant to the Director of the Department of Labor. This position had previously been granted exemption over ten years ago, but then had its exempt status rescinded due to extended vacancy in 2008. The agency now is seeking to reestablish exempt status and is committed to filling the position. As there has been no material diminution of its responsibilities, Staff recommended approval of this request.



- As to Items G and H, the request for Item G is for the Chief of Staff at the Department of the Lottery while Item H is for the Communications Director for the Lottery. Both positions report to the Superintendent. The legislature recently created the Department of the Lottery which previously was a Division under the Department of Revenue. The Lottery has also recently entered into a private management agreement with an entity called Northstar to, as stated by a Lottery representative, conduct “sales and marketing functions associated with making Lottery games available to the public.” What is clear from these recent events is that the Lottery is undergoing two transformations which are not entirely consistent with one another: it has been reconstituted as a separate agency under State government while contracting out many of its basic responsibilities it had been performing as a division under the Department of Revenue. Fortunately, these two events have a minimal impact on the requests pending before the Commission today. With respect to the Chief of Staff position, the Commission has historically approved such requests due to the significant amount of responsibility inherent in such a position. For that reason, Staff recommended approval of that request.

With regard to the Communications position, there is no dedicated Media Administrator position within Central Management Services for this function. While there is a vacant Communications Manager position assigned to the Lottery, Staff has been assured that it is being abolished. It appears that the functions of the Communications Director are not within the scope of the private management agreement as represented by the agency. That is significant because it is Staff’s current belief that functions that are the province of the private manager under the private management agreement would not qualify for principal policy exemption. That very well may negatively impact the continued exemption of other currently exempt positions at the Lottery. For these reasons, Staff recommended approval of this request also. With regard to Item H, Lisa Crites added that the new Superintendent is taking a more “hands on” approach to Lottery marketing conducted by Northstar. This is the position that will be his direct liaison to Northstar on this issue while also supervising legislative liaisons. Commissioner Krey inquired as to the nature of its relationship with Northstar as the “go to” employee on the Lottery staff. Lisa Crites concurred, noting that would be limited to advertising and marketing matters. Commissioner Dalianis inquired as to the current size of the agency’s workforce. Lisa Crites responded that it has 171 employees, 120 of which are presently on loan to Northstar performing sales, telemarketing, and administrative functions.

- As to Item I, this request is for the Senior Program Manager for the Women’s Veterans Program in the Department of Veterans’ Affairs, a position that reports to the Director. The Division of Women Veterans Affairs was created by statute (20 ILCS 2805/1.2) effective January 1, 2012. This Division has principal policy responsibility to carry out the statutory mandate to, essentially, ensure that the unique needs facing women veterans are being met by the agency. For these reasons, Staff recommended approval of this request.



IT WAS MOVED BY COMMISSIONER FITZGERALD, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- C1: Senior Policy Advisor (Emergency Management Agency)**
- D: Coordinator of Real Estate Appraisal (Department of Financial and Professional Regulation)**
- E: Division Manager, Historic Sites (Historical Preservation Agency)**
- F: Executive Assistant to the Director (Labor)**
- G: Chief of Staff (Lottery)**
- H: Communications Director (Lottery)**
- I: Senior Program Manager, Women Veterans Program (DVA)**

The following 4d(3) exemption requests were granted on December 16, 2011:

D. Illinois Department of Financial and Professional Regulation

Position Number	40070-13-40-350-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Coordinator of Real Estate Appraisal
Incumbent	Brian K. Weaver
Supervisor	Director who reports to the Secretary
Location	Cook County

E. Illinois Historic Preservation Agency

Position Number	40070-48-20-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Historic Sites
Functional Title	Division Manager
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Sangamon County



F. Illinois Department of Labor

Position Number	40070-15-00-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Executive Assistant to the Director
Incumbent	Vacant
Supervisor	Director
Location	Cook County

G. Illinois Department of Lottery

Position Number	40070-45-00-050-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Superintendent's Office
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Superintendent
Location	Cook County

H. Illinois Department of Lottery

Position Number	40070-45-04-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Communications
Functional Title	Communications Director
Incumbent	Vacant
Supervisor	Superintendent
Location	Cook County

I. Illinois Department of Veterans' Affairs

Position Number	40070-34-00-000-10-02
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Senior Program Manager, Women Veterans Program
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County



The following 4d(3) exemption request was granted for a period of six months on November 18, 2011:

C1. Illinois Emergency Management Agency

Position Number	37015-50-17-040-00-03
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Senior Policy Advisor
Incumbent	Phil Anello
Supervisor	Director
Location	Sangamon County

V. CLASS SPECIFICATIONS

The following class titles were submitted for creation by the Director of the Illinois Department of Central Management Services:

- Cancer Registrar 1
- Cancer Registrar 2
- Cancer Registrar 3
- Cancer Registrar Assistant Manager
- Cancer Registrar Manager

Staff Analysis: For the benefit of the new Commissioners, Assistant Executive Director Barris reviewed the principles of position classification outlined in Section 1.45 of the Rules of the Civil Service Commission. Assistant Executive Director Barris asked Bill Lipsmire, Technical Services-Central Management Services, what kind of information was being collected by the employees in the class that required the creation of a specialized Cancer Registrar series. Bill Lipsmire explained that the series was needed due to the complexity of the information regarding cancer/tumors that was being collected by employees in the series, i.e. patient history, demographics, treatment regarding the tumor, etc., and that the Center for Disease Control (CDC) and Public Health specifically sets out specialized requirements regarding this type of coding due to the complexity of the disease, patients and treatment. In order to meet these requirements, insure that qualified candidates with the required training were in position to collect and code this complex data regarding cancer, and receive federal funding from the CDC, this class was needed.



IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 4-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JANUARY 1, 2012:

- **Cancer Registrar 1**
- **Cancer Registrar 2**
- **Cancer Registrar 3**
- **Cancer Registrar Assistant Manager**
- **Cancer Registrar Manager**

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	DALIANIS	YES
FITZGERALD	YES	KREY	YES



VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:40 a.m.

PRESENT

Chris Kolker, Chairman; Ares G. Dalianis, Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; and Lamont Wallace.

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	10/31/11	11/30/11	11/30/10
Aging	0	0	1
Agriculture	3	3	0
Central Management Services	1	2	1
Children and Family Services	1	4	1
Commerce and Economic Opportunity	0	0	2
Employment Security	6	6	1
Healthcare and Family Services	4	6	5
Historic Preservation Agency	4	1	0
Human Services	0	0	1
Natural Resources	16	13	0
Property Tax Appeal Board	3	0	0
Transportation	3	4	2
Totals	41	39	14



IX. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-48-11 (ON REMAND)

Employee	Lamont L. Wallace	Appeal Date	05/02/11
Agency	Human Services	Proposal Date	12/01/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unexcused, unreported absence and tardiness	Proposal for Decision on Remand	Charges are proven and warrant 90-day suspension plus duration of his suspension pending discharge

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PROVEN AND WARRANT A 90-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION ON REMAND DATED DECEMBER 1, 2011.

**KOLKER YES DALIANIS YES
 FITZGERALD YES KREY YES**

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-13-12

Employee	Robert A. Mileur	Appeal Date	08/29/11
Agency	Environmental Protection	Proposal Date	11/18/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn (settled).

DA-30-12

Employee	Rita K. Howland	Appeal Date	11/15/11
Agency	Human Services	Proposal Date	12/05/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Recipient abuse	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.



IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSALS FOR DECISION TO DISMISS THE MILEUR AND HOWLAND APPEALS FOR THE REASONS SET FORTH IN THE PROPOSALS FOR DECISION.

KOLKER	YES	DALIANIS	YES
FITZGERALD	YES	KREY	YES

XI. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The Commission's FY 2013 budget request was submitted to the Governor's Office of Management and Budget on November 3, 2011. There has been no response to date.
- SB2412 which reallocated funds to enable the Commission to operate through FY 2012 passed the legislature on November 29, 2011.
- The Auditor General released its report for the Commission's two-year compliance audit ended June 30, 2011. There were no material findings. Chairman Kolker congratulated Brian Collins for his efforts in this regard.

XII. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT

Assistant Executive Director Barris reported that after review of the Executive Session Minutes, the need for confidentiality still exists as to all those Minutes.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 THAT AFTER REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE NEED FOR CONFIDENTIALITY STILL EXISTS AS TO ALL THOSE MINUTES.



December 16, 2011

XIII. RECOGNITION AND APPRECIATION OF SERVICE OF COMMISSIONER BETTY A. BUKRABA, COMMISSIONER RAYMOND W. EWELL, AND COMMISSIONER BARBARA J. PETERSON

ON MOTION OF CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, (THAT WAS JOINED IN BY COMMISSIONERS FITZGERALD AND KREY), A RESOLUTION WAS MADE AND UNANIMOUSLY PASSED TO RECOGNIZE COMMISSIONER BUKRABA, COMMISSIONER EWELL, AND COMMISSIONER PETERSON FOR THEIR MANY YEARS OF SERVICE TO THE CIVIL SERVICE COMMISSION. A SUITABLE COPY OF THIS RESOLUTION OF APPRECIATION IS TO BE FRAMED AND PRESENTED TO EACH COMMISSIONER.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, January 20, 2012 at 11:00 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:48 A.M.

